

UNITED STATES DISTRICT COURT

United States District Court
Southern District of Texas
FILED

for the

Southern District of Texas

OCT 11 2015

United States of America

v.

Javier AYALA-Novoa
Mexican National YOB: 1983
See Attachment A

Clerk of Court

Case No.

M-15-1776-M

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 10/10/2015 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S.C. § 841

Knowingly and intentionally possess with intent to distribute approximately
99.52 kilograms of marijuana, a schedule I controlled substance

21 U.S.C. § 952

Knowingly and intentionally import with intent to distribute approximately
99.52 kilograms of marijuana, a schedule I controlled substance

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Ryan Browning, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 10, 2015
11:00
4:05 p.m.

Judge's signature

City and state:

McAllen, Texas

U.S. Magistrate Judge

Printed name and title

Attachment "A"

The information in this affidavit is provided for the limited purpose of establishing probable cause. The information is not a complete statement of all the facts related to this case.

On October 10, 2015, Javier AYALA-Novoa applied for entry into the U.S. from the United Mexican States at the Donna Port of Entry in Donna, Texas (Donna POE) as the sole occupant and driver of a white Chevrolet pickup truck. AYALA-Novoa's vehicle was referred to the secondary inspection area where a U.S. Customs and Border Protection Officer (CBPO) and his assigned narcotics detection dog (NDD) inspected the pickup truck. While conducting a free-air sniff around the vehicle, the NDD alerted to the odor of narcotics emitting from the pickup truck. Further inspection of the vehicle revealed a man-made compartment under the bed of the truck which contained cellophane wrapped bundle. The bundles were found to contain approximately 99.52 kilograms of green leafy substance which field tested positive for the properties of marijuana.

AYALA-Novoa was interviewed by a Homeland Security Investigations (HSI) Special Agent at the Donna POE following the seizure. Before the interview began AYALA-Novoa was read his Miranda rights from a preprinted form in Spanish. AYALA-Novoa signed the preprinted form and agreed to an interview without an attorney present. During the interview AYALA-Novoa made the following statements which have been paraphrased, and which may not be in their original order. AYALA-Novoa stated he was offered \$3,000 USD to cross the pickup truck into the U.S. from Mexico. AYALA-Novoa stated he suspected the truck contained some type of illegal drug, but he wasn't sure what sure if he was transporting cocaine or marijuana.

The Assistant United States Attorney's Office in McAllen, Texas was briefed regarding the aforementioned facts and federal prosecution was accepted.